

31 CONTINUED

BURL RUMINS - LARRY PHILYAW, MIDWEST
AUGER-AERATOR, Rt 66 NORTH, PONTIAC, IL, 61764

DAN WEIDL, FIELD SERVICES MANAGER, RAY SCHOMMER
TECHNICAL SERVICES REPRESENTATIVE, PEROXIDATION
SYSTEMS INC., 4514 PARKBROOK COURT
ORLANDO, FLORIDA, 32808

PARTNER

LARRY PHILLIPS, HAMMOND & ASSOCIATES, LTD
5233 STONEHAM ROAD, NORTH CANTON, OH, 44720

RICK L. ROSE, PRACTICE AREA MANAGER,
CRS REMEDIATION, INC, ONE TRIANGLE DRIVE,
EXPORT, PA, 15632

#36

(PAGE #, PARAGRAPH #)

2(h)

- (1, 4) USE TECHNOLOGY TO REDUCE
(1, 5) TREATABILITY STUDIES
(1, 7) TYPE & NUMBER OF SAMPLES
(3, 1) STATEMENT OF TPH GOAL
(3, 3) TREATABILITY STUDIES
(4, 1) TYPE & NUMBER OF SAMPLES
(4, 2) TARGET
(4, 4) TYPE & NUMBER OF SAMPLES
(4, 5) CDF TO PROVIDE ACCESS ETC FOR SAMPLING TEST
(4, 7) EXPECTED TO EXAMINE SITE & JUDGE + TESTING
(4, 8) INFORM HIMSELF
(5, 4) EXAMINING THE SITE, INFORM THEMSELVES THEMSELVES
ADDRESS UNCERTAINTY UNCERTAINTIES
(13, 1.4) TREATABILITY
(14, 2.4) II
(26, 2) TEST -- EXPEDITIONOUS
(26, 4) TREATABILITY
(26, 6) TYPE & NUMBER OF SAMPLES
(GC-5, 8) TREATABILITY & MAINT
(GC-7, 5) CHECK & VERIFY FIGURES, FIELD MEASUREMENTS
(SC-15, 8) EXAMINATION, INVESTIGATION, EXPLORATION, TEST OR STUDY OF SITE
(SC-26, 4) CONT. ASSUME RESPONSIBILITY FOR --- TESTING
(SC-52, 1) TESTING LABORATORIES

RECEIVED

OCT 23 1996

CANTON DROP FORGE

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

THE CRITTER COMPANY, INC.

Plaintiff

vs.

CANTON DROP FORGE, INC.

Defendant

*
* Case No. 1996-CV-00615
*
* Judge Haas
*
* REQUEST FOR PRODUCTION
* OF DOCUMENTS
*
*

* * * * *

Pursuant to Rule 34, Ohio Rules of Civil Procedure, Plaintiff,
The Critter Company, Inc., hereby requests that the Defendant
produce the following:

1. Any and all records pertaining to the construction of
Lagoon No. 1 or 2.
Drawing 12-30-42
2. Any and all records pertaining to the liquid and/or solid
matter deposited in Lagoon No. 1 or 2.
See MSDS Sheets.
3. Any and all records pertaining to Federal, State, or
Local Health Department and/or Environmental Protection
Agency citations issued for Lagoon No. 1 or 2.
None
4. Any and all minutes of the Canton Drop Forge, Inc. Board
of Directors regarding Lagoon No. 1 or No. 2 since 1990.

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Recd. 10-18-96

5. Any and all records from Hammontree and Associates, Ltd. regarding the study and testing of Lagoon No. 1 and 2.

See Copies

6. Any and all records authored by Canton Drop Forge, Inc. employee(s) regarding Lagoon No. 1 and 2.

See Copies

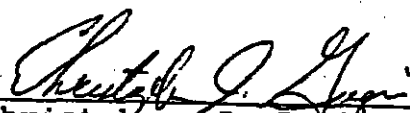
7. Any and all test data records and reports prepared regarding the chemicals composition of Lagoon No. 1 and 2 since 1990.

See Copies

8. Any and all Technical Data provided to The Critter Co. following pursuant to Contract 95-2.

YWC contact information for MAA, 6/92 Hazmat World verbal warnings regarding BIO Mat'l. on the pipe TPH results first round

In the event you are unable to provide us with copies, Plaintiff, The Critter Company, Inc., is willing to set a time and place convenient for all concerned for this Plaintiff to inspect and copy said documents.


Christopher J. Gagin, Esq.
Attorney for The Critter
Company, Inc.
200 Sinclair Bldg., P.O. Box 249
Steubenville, OH 43952
Telephone: 614-282-1900
Reg. No. 0062820

2(b)
5(b)
RECEIVED

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

OCT 23 1996
CANTON DROP FORGE

THE CRITTER COMPANY, INC.

Plaintiff

vs.

CANTON DROP FORGE, INC.

Defendant

*
* Case No. 1996-CV-00615
*
* Judge Haas
*
* PLAINTIFF'S FIRST SET OF
* INTERROGATORIES TO THE
* DEFENDANT, CANTON DROP
* FORGE, INC.

* * * * *

Now comes Plaintiff by and through its attorney, and propound the following interrogatories pursuant to Rule 33, Ohio Rules of Civil Procedure, and request they be answered under oath by Defendant, Canton Drop Forge, Inc., within twenty-eight days of service hereof.

THESE INTERROGATORIES ARE DEEMED CONTINUING IN NATURE. PURSUANT TO OHIO RULES OF CIVIL PROCEDURE, RULE 26(E), YOU ARE HEREBY REQUESTED TO REASONABLY SUPPLEMENT YOUR RESPONSES TO THESE INTERROGATORIES.

INTRODUCTION

1. The terms "you" and "your", when used herein, refer to each respective party, his agent(s), representative(s), employee(s), or attorney(s) submitting answers to these interrogatories.

2. The term "person", when used herein, means an individual, corporation, partnership, or association, or any other business or governmental entity.

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4. The term "document," when used herein, means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including without limiting the generality of the foregoing, punchcards, printout sheets, movie film, slides, phonograph records, photographs, notes, letters, memoranda, ledgers, work sheets, books of account, brochures, circulars, proofs, sheets, books, registers, charts, tables, papers, agreements, contracts, purchase orders, acknowledgements, invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, correspondence, telegrams, drafts, data processing discs or tapes, and computer-produced interpretations thereof, x-rays, instructions, announcements, schedules, price lists, and mechanical or electrical sound recordings and transcripts thereof. In all cases, where originals and/or non-identical copies are not available, document also means identical copies of original documents and copies of non-identical copies.

5. The term "identify," when used herein, has the following meanings:

- (A) When used in reference to an individual, it means to state the person's (1) full name; (2) present business address, or, if unavailable, last known business address; (3) present home address, or, if unavailable, last known home address; and (4)

business or governmental affiliation and job title, or, if unavailable, last known business or governmental affiliation and job title.

(B) When used in reference to a corporation, it means to state the corporate name, date and place of incorporation, and all of its present business addresses.

(C) When used in reference to any person other than an individual or corporation, it means to state the person's (1) full name and d/b/a, if any; and (2) present address, or, if unavailable, last known address.

(D) When used in reference to statements and communications, it means to describe the statements and communications by: (1) stating the date and place where they were made; (2) identifying each of the makers and recipients thereof in addition to all the persons present; and (3) indicating the method of communication used.

(E) When used in reference to a document or documentary evidence, it means to state the type of document (e.g., letter, memorandum, telegram, chart), its author and originator, its date or dates, all recipients and their addresses, its present location or custodian, the topics dealt with therein, with such reasonable particularity as is

3. STATE WHO CONSTRUCTED LAGOON NO. 1.

ANSWER: United States Army Air Corps

4. STATE HOW LAGOON NO. 1 WAS CONSTRUCTED.

ANSWER: Excavated, no liner

5. STATE WHETHER DOCUMENTS EXIST REGARDING THE CREATION OF LAGOON NO. 1.

ANSWER: None

6. IF THE ANSWER TO INTERROGATORY NO. 5 WAS "YES", IDENTIFY THE PERSON(S) WITH CUSTODY OF THE DOCUMENTS.

ANSWER: N/A

7. STATE WHETHER DOCUMENTS EXIST REGARDING THE LIQUID AND/OR SOLID MATERIAL DEPOSITED INTO LAGOON NO. 1 FROM THE DATE OF ITS CREATION THROUGH JULY 1995.

ANSWER: No. See MSDS sheets for possibilities from recent past

8. IDENTIFY THE PERSON(S) WITH CUSTODY OF THE DOCUMENTATION LISTED IN THE ANSWER TO INTERROGATORY NO. 7.

ANSWER: N/A

9. STATE WHETHER ANY FEDERAL, STATE OR LOCAL HEALTH OR ENVIRONMENTAL PROTECTION AGENCY HAS EVER ISSUED A CITATION TO CANTON DROP FORGE, INC. REGARDING LAGOON NO. 1.

ANSWER: No

10. IF THE ANSWER TO INTERROGATORY NO. 9 WAS "YES", STATE THE AGENCY, MONTH AND YEAR FOR ALL CITATIONS ISSUED REGARDING LAGOON NO. 1.

ANSWER: N/A

11. STATE THE MONTH AND YEAR CANTON DROP FORGE, INC.
CONSTRUCTED LAGOON NO. 2.

ANSWER: Prior to 12-30-42 drawing by Morton Leavitt

12. STATE THE PURPOSE FOR WHICH CANTON DROP FORGE CONSTRUCTED
LAGOON NO. 2.

ANSWER: Storm water collection & treatment
Plant process water collection & treatment

13. STATE WHO CONSTRUCTED LAGOON NO. 2.

ANSWER: United States Army Air Corps

14. STATE HOW LAGOON NO. 2 WAS CONSTRUCTED.

ANSWER: Excavated, non lined

15. STATE WHETHER DOCUMENTS EXIST REGARDING THE CREATION OF LAGOON NO. 2.

ANSWER: None

16. IF THE ANSWER TO INTERROGATORY NO. 15 WAS "YES", IDENTIFY THE PERSON(S) WITH CUSTODY OF THE DOCUMENTS.

ANSWER: N/A

17. STATE WHETHER DOCUMENTS EXIST REGARDING THE LIQUID AND/OR SOLID MATERIAL DEPOSITED INTO LAGOON NO. 2 FROM THE DATE OF ITS CREATION THROUGH JULY 1995.

ANSWER: No. See MSDS sheets for possibilities from the recent past

18. IDENTIFY THE PERSON(S) WITH CUSTODY OF THE DOCUMENTATION LISTED IN THE ANSWER TO INTERROGATORY NO. 17.

ANSWER: N/A

19. STATE WHETHER ANY FEDERAL, STATE OR LOCAL HEALTH OR ENVIRONMENTAL PROTECTION AGENCY HAS EVER ISSUED A CITATION TO CANTON DROP FORGE, INC. REGARDING LAGOON NO. 2.

ANSWER: No

20. IF THE ANSWER TO INTERROGATORY NO. 19 WAS "YES", STATE THE AGENCY, MONTH AND YEAR FOR ALL CITATIONS ISSUED REGARDING LAGOON NO. 2.

ANSWER: N/A

21. STATE WHETHER CANTON DROP FORGE, INC. HAS CONDUCTED, OR HAS DIRECTED A THIRD-PARTY TO CONDUCT, A CHEMICAL ANALYSIS OF LAGOONS NO. 1 AND NO. 2 SINCE SEPTEMBER 1, 1996.

ANSWER: No

22. IF THE ANSWER TO INTERROGATORY NO. 21 WAS "YES", PLEASE STATE THE DAY, MONTH AND YEAR SUCH CHEMICAL ANALYSIS(ES) WAS CONDUCTED.

ANSWER: N/A

23. IF THE ANSWER TO INTERROGATORY NO. 21 WAS "YES", PLEASE IDENTIFY THE INDIVIDUAL(S) AND/OR ORGANIZATION(S) WHO CONDUCTED THE CHEMICAL ANALYSIS.

ANSWER: N/A

24. IF THE ANSWER TO INTERROGATORY NO. 21 WAS "YES", STATE WHETHER THE CHEMICAL ANALYSIS DETERMINED TOTAL PETROLEUM HYDROCARBON LEVELS.

ANSWER: N/A

25. STATE IF THE PERSONS AND/OR ORGANIZATIONS IDENTIFIED IN INTERROGATORY NO. 23 PREPARED A REPORT IN CONNECTION WITH THEIR TESTING OF LAGOON NO. 1 AND NO. 2.

ANSWER: N/A

26. IF THE ANSWER TO INTERROGATORY NO. 25 A WAS "YES", PLEASE IDENTIFY THE CUSTODIAN OF SAID REPORT.

ANSWER: N/A

27. IF THE ANSWER TO INTERROGATORY NO. 21 WAS "YES", PLEASE STATE THE SAMPLE COLLECTION METHOD(S) UTILIZED.

ANSWER: N/A

28. IDENTIFY ALL PERSONS OR BUSINESS ENTITIES WHO SUBMITTED A BID ON CANTON DROP FORGE, INC. CONTRACT NO. 95-2.

ANSWER: Kelchner Environmental
The Critter Company

29. STATE THE NATURE OF CANTON DROP FORGE, INC.'S BUSINESS RELATIONSHIP WITH HAMMONTREE AND ASSOCIATES, LTD. RELEVANT TO CONTRACT NO. 95-2.

ANSWER: Coordinate activity as required
Sample for TPH as required
Prepare contract document
As Environmental Consultant

30. PLEASE STATE ALL DUTIES, RESPONSIBILITIES AND OBLIGATIONS HAMMONTREE AND ASSOCIATES, LTD. OWED TO CANTON DROP FORGE, INC. IN CONNECTION WITH THE PREPARATION, ADMINISTRATION AND OVERSIGHT OF CONTRACT NO. 95-2.

ANSWER:

Contract preparation
Liaison between CDF & Contractors
Determination of extent of contamination in lagoons
Sample for presence of contaminants in lagoons
Confirmation testing of treated material for TPH as required by TCC
Determine requirements, timing & content of communication with authority

31. STATE ALL PERSONS CANTON DROP FORGE, INC. PERMITTED HAMMONTREE AND ASSOCIATES, LTD. TO PHYSICALLY WORK ON OR ABOUT THE PROJECT SITE IN ORDER TO PREPARE, ADMINISTER AND/OR OVERSEE CONTRACT NO. 95-2.

ANSWER:

Gene Hill, Hammontree & Associates, LTD., 5233 Stoneham Rd.
North Canton, OH 44720
Scot Klingensmith, Environmental Resources, Inc., P.O. Box 276
Westerville, OH 43081, Gen. Manager/Project Coordinator
Jerry Coon, The Critter Co., 6890 E. Sunrise Drive
Tucson, Arizona 85715, Chairman of the Board
Randy Farneth, Kelchner Environmental Inc., 2605 Williamsburg Ln,
Canton, OH 44708, Corp. Account Manager
Stan Evans, Beaver Excavating Co., 4650 Southway St. S.W.
Canton, OH 44706, Project Manager
Kenneth Kozak, Sunpro Inc., 7392 Whipple Ave. N.W.
North Canton, OH 44720, Corporate Accounts Manager

32. STATE WHETHER LAGOON NO. 1 OR NO. 2 HAVE EVER BEEN THE SUBJECT OF A CIVIL LAWSUIT AGAINST CANTON DROP FORGE, INC.

ANSWER:

No

33. PLEASE IDENTIFY ALL EXPERT WITNESSES CANTON DROP FORGE, INC. EXPECTS TO CALL AT TIME OF TRIAL.

ANSWER:

34. SINCE JANUARY 1, 1996, STATE WHETHER CANTON DROP FORGE, INC. HAS EITHER ACCEPTED BIDS AND/OR CONTRACTED FOR THE COMPLETION OF ANY AND ALL WORK CONTEMPLATED UNDER CONTRACT NO. 95-2, AND IF SO, STATE:

- A. THE NAME OR NAMES OF ALL PERSONS AND/OR ENTITIES CANTON DROP FORGE HAS ACCEPTED BIDS FROM AND/OR CONTRACTED WITH;
- B. THE NATURE OF THE WORK TO WHICH THE BID WAS ACCEPTED AND/OR THE CONTRACT WAS AWARDED;
- C. THE BID PRICE AND/OR THE CONTRACT PRICE; AND

ANSWER:

- 1A Beaver Excavating Company,
- 1B Turn material in cell on two occasions
- 1C \$917.21, \$1,132.28
- 2A Beaver Excavating Company
- 2B Clear Bio Material from around pipe, remove pipe & cap
- 2C Unknown
- 3A Randel Sales Company
- 3B Haul & dispose of construction & demolition debris
- 3C \$760.00

35. STATE ALL LAY WITNESSES CANTON DROP FORGE, INC. INTENDS TO CALL AT TIME OF TRIAL.

ANSWER:

36. PLEASE LIST ALL SECTIONS OF CONTRACT 95-2 WHICH OBLIGATES THE CRITTER COMPANY TO CONDUCT TESTING TO DETERMINE THE LEVELS OF TOTAL PETROLEUM HYDROCARBONS IN LAGOONS NO. 1 AND/OR NO. 2.

ANSWER:

See sheet attached

36. LIST ALL TECHNICAL DATA, AS DEFINED BY CONTRACT 95-2, CANTON DROP FORGE, INC., OR ITS AGENTS, PROVIDED TO THE CRITTER COMPANY DURING THE BIDDING OR PERFORMANCE OF CONTRACT 95-2.

ANSWER:

Site visit

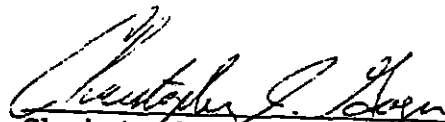
Samples of lagoon sludge (per 2/1/95 Hammontree report)
"Request for Proposal" - (" " : ")

Test results 4 samples lagoon #1

Test results 7 samples lagoon #2

May have received copy, less pricing information of
2/1/95 Lagoon #1 report & 3/1/95 lagoon #2 report

Respectfully submitted,



Christopher J. Gagin, Esq.
KING HARGRAVE SCURTI & JACK
P. O. Box 249
Steubenville, Ohio 43952
Phone: (614) 282-1900
Reg. No. 0062820

31. (Continued)

STATE ALL PERSONS CANTON DROP FORGE, INC. PERMITTED HAMMONTREE ABD ASSOCIATES, LTD., TO PHYSICALLY WORK ON OR ABOUT THE PROJECT SITE IN ORDER TO PREPARE, ADMINISTER AND/OR OVERSEE CONTRACT NO. 95-2.

ANSWER: Burl Rumins - Larry Philyaw, Midwest Auger-Aerator, Rt. 66
North Pontiac, IL 61764

Dan Weidl, Field Services Manager, Ray Schommer Technical Services
Representative, Peroxidation Systems Inc., 4514 Parkbreeze Court
Orlando, Florida 32808

Garry Phillips, Partner Hammontree & Associates. Ltd.
5233 Stoneham Road, North Canton, OH 44720

Rick L. Rose, Practice Area Manager, CRS Remediation, Inc.,
One Triangle Drive, Export, PA 15632

36.

PLEASE LIST ALL SECTIONS OF CONTRACT 95-2 WHICH OBLIGATES THE CRITTER COMPANY TO CONDUCT TESTING TO DETERMINE THE LEVELS OF TOTAL PETROLEUM HYDROCARBONS IN LAGOONS NO. 1 AND/OR NO. 2.

ANSWER:

- (1,4) Use technology to reduce
- (1,5) Treatability studies
- (1,7) Type & number of samples
- (3,1) Statement of TPH goal
- (3,3) Treatability studies
- (4,1) Type & number of samples
- (4,2) Target
- (4,4) Type & Number of samples
- (4,5) CDF to provide access etc. for sampling & testing
- (4,7) Expected to examine site and judge
- (4,8) Inform himself
- (5,4) Examining the site, inform themselves, address uncertainties
- (13,14) Treatability
- (14,24) Treatability
- (26,2) Test - expeditious
- (26,4) Treatability
- (26,6) Type & number of samples
- (GC-5,8) Treatability & maintenance
- (GC-7,5) Check & verify figures, field measurements
- (GC-15,8) Examination, investigation, exploration, test or study of site
- (GC-26,4) Cont. assume responsibility etc. -- testing
- (GC-52,1) Testing laboratories



CANTON DROP FORGE

TELECOPIER COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: MATT YACKSHAW
FIRM: _____
CITY: _____
PHONE: () _____ FAX: () _____

FROM:

NAME: KENTH HOUSENOCH
FIRM: CANTON DROP FORGE
CITY: Canton, OH

TOTAL NUMBER OF PAGES _____ INCLUDING COVER SHEET.

WE ARE TRANSMITTING ON THE FOLLOWING:

DATE: 11/22
TIME: ~~8:55~~ 9:00

IF YOU DO NOT RECEIVE ALL PAGES - PLEASE CALL BACK AS SOON AS POSSIBLE.

TELEPHONE: (330) 477-4511, EXT. 180

CDF004246

33. PLEASE IDENTIFY ALL EXPERT WITNESSES CANTON DROP FORGE, INC. EXPECTS TO CALL AT TIME OF TRIAL.

ANSWER:

34. SINCE JANUARY 1, 1996, STATE WHETHER CANTON DROP FORGE, INC. HAS EITHER ACCEPTED BIDS AND/OR CONTRACTED FOR THE COMPLETION OF ANY AND ALL WORK CONTEMPLATED UNDER CONTRACT NO. 95-2, AND IF SO, STATE:

- A. THE NAME OR NAMES OF ALL PERSONS AND/OR ENTITIES CANTON DROP FORGE HAS ACCEPTED BIDS FROM AND/OR CONTRACTED WITH;
- B. THE NATURE OF THE WORK TO WHICH THE BID WAS ACCEPTED AND/OR THE CONTRACT WAS AWARDED;
- C. THE BID PRICE AND/OR THE CONTRACT PRICE; AND

ANSWER: 1A' Beaver Excavating Company,
1B Turn material in cell on two occasions
1C \$917.21, \$1,132.28
2A Beaver Excavating Company
2B Clear Bio Material from around pipe, remove pipe & cap
2C Unknown
3A Randel Sales Company
3B Haul & dispose of construction & demolition debris
3C \$760.00

35. STATE ALL LAY WITNESSES CANTON DROP FORGE, INC. INTENDS TO CALL AT TIME OF TRIAL.

ANSWER:

*to Turn
& remove
debris*

*DISPOSAL OF
DEBRIS*